

**REMARKS**

Claims 1 and 3-5 are now pending in this application. Claims 1 and 3 have been amended. Claim 2 has been cancelled without prejudice or disclaimer of the subject matter therein.

Applicants note that claim 5 has not been acknowledged in the subject Official Action. Applicants wish to bring to the Examiner's attention that a Preliminary Amendment was filed in this application on May 19, 2006, where claim 5 was added. Accordingly, claims 1-5 are pending in the present application. Thus, the instant claim amendments are based on the claims presented in the noted Preliminary Amendment.

Claim 1 has been amended to incorporate the limitations of claim 2 and to further define the packaging bag. Amended claim 1 recites "A packaging bag for a plaster, the plaster including a plaster body, a support and an adhesive layer laminated on one surface of the support and having a plaster outer periphery, and a release film having a release outer periphery and being detachably attached to the adhesive layer, the packaging bag, comprising: a pair of packaging films comprising a first packaging film having a first perimeter and an opposing second packaging film having a second perimeter, the first packaging film and the second packaging film being sealed together at the first and second perimeters thereby forming an interior housing portion having a housing outer periphery for housing the plaster, the first packaging film or the second packaging film comprising a protrusion having a protrusion outer periphery and protruding into the interior housing portion and configured such that when the plaster is

packaged in the packaging bag, the protrusion contacts a portion of the plaster body excluding the plaster outer periphery, the protrusion having a height such that when the release outer periphery extends outward beyond the plaster outer periphery, an outer peripheral portion of the packaging film on which the protrusion is formed is separated away from the plaster outer periphery, wherein an angle  $\theta_2$  formed by a line joining the housing outer periphery with the protrusion outer periphery is greater than an angle  $\theta_1$  formed by a line joining the housing outer periphery with the plaster outer periphery, so that the plaster outer periphery does not contact the packaging film on which the protrusion is formed." Support for the amendment can be found throughout the specification as originally filed. See the specification at paragraphs [0026] to [0029].

Claim 3 has been amended to correct dependency and to be consistent with amended claim 1. Amended claim 3 depends from claim 1.

Claims 1 and 3-5 have been amended solely to advance prosecution. Applicants, by amending any claims herein, make no admission as to the validity of any rejection made by the Examiner against any of these claims. Applicants reserve the right to reassert the original claim scope of any claim amended herein, in a continuing application.

No new matter has been introduced to this application within the meaning of 35 U.S.C. §132.

In view of the following, further and favorable consideration is respectfully requested.

**I. At page 2 of the Official Action, claims 1-3 have been rejected as being anticipated by Trigger (U.S. Patent No. 5,950,830).**

As a basis for the rejection, the Examiner states in relevant part:

In regard to claim 1, Trigger, Fig. 1, discloses a packaging bag and a plaster, the packaging bag comprising: i. A pair of packaging films, (14), (10) disposed facing one another, sealed around the perimeter forming a portion for housing said plaster, one of the films having a protrusion protruding toward the other said packaging films, where the protrusion only touches a portion of the plaster that excludes an outer periphery of said plaster body.

In regard to claim 2, Trigger, Fig. 5, further discloses the peripheral portion of the release film (7) of the plaster body (1) extends outwards beyond the outer peripheral of the plaster body (1) and an outer peripheral portion of said packaging film (1) on which the protrusion is formed is separated away from the outer periphery of said plaster body. Also, see col. 4, lines 51-64.

In regard to claim 3, Trigger discloses a packaging bag where the relationship of (E+F)/A>F/C and (E+F)/a>F/C, as taken from claim 3 and applied to the packaging bag disclosed by Trigger Fig. 5, is satisfied.

Applicants respectfully traverse this rejection.

The test for anticipation is whether each and every element as set forth is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131.

The identical invention must be shown in as complete detail as is contained in the claim.

*Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131.

The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). Moreover, the rule of law requires that the Examiner must consider a reference in its entirety in determining the scope and content of the

reference. *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, (Fed. Cir 1983), *cert. denied*, 469 U.S. 851 (1984). Thus, the Examiner must acknowledge any disclosure in the reference that teaches away from the present invention. *Id.*

***The Present Subject Matter***

The present subject matter, as recited in present claim 1, relates to A packaging bag for a plaster, the plaster including a plaster body, a support and an adhesive layer laminated on one surface of the support and having a plaster outer periphery, and a release film having a release outer periphery and being detachably attached to the adhesive layer, the packaging bag, comprising: a pair of packaging films comprising a first packaging film having a first perimeter and an opposing second packaging film having a second perimeter, the first packaging film and the second packaging film being sealed together at the first and second perimeters thereby forming an interior housing portion having a housing outer periphery for housing the plaster, the first packaging film or the second packaging film comprising a protrusion having a protrusion outer periphery and protruding into the interior housing portion and configured such that when the plaster is packaged in the packaging bag, the protrusion contacts a portion of the plaster body excluding the plaster outer periphery, the protrusion having a height such that when the release outer periphery extends outward beyond the plaster outer periphery, an outer peripheral portion of the packaging film on which the protrusion is formed is separated away from the plaster outer periphery, wherein an angle  $\theta 2$  formed by a line joining the housing outer periphery with the protrusion outer periphery is

greater than an angle  $\theta_1$  formed by a line joining the housing outer periphery with the plaster outer periphery, so that the plaster outer periphery does not contact the packaging film on which the protrusion is formed. That is, claim 1 describes, in part, that **angle  $\theta_2$  is greater than angle  $\theta_1$** , and thus, the plaster outer periphery does not contact the packaging film.

Rejected claim 3 is dependent from claim 1 and thus incorporates all of the limitations of claim 1 as noted above. If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

***Trigger (U.S. Patent No. 5,950,830)***

Trigger describes a package comprising a container closed by a closure, the container having a central portion at a first depth from the closure joined to an outer portion at a second depth from the closure deeper than the first depth, the outer portion being provided with an outer wall to which the closure is attached, the dimensions being such that with the patch supported on the central portion with the release liner uppermost toward the closure, the edge of the patch lies above said deeper outer portion. Trigger further describes that the periphery of the patch is maintained spaced from the base in any position of the release liner within the recess by having the size relationship that the sum of the width of the outer portion and the width of the central portion is less than the sum of the width of the border of the release liner and the width of the patch, as depicted in Figure 5.

However, **nowhere** does Trigger teach (or describe) package bags having an angle difference between the angle ( $\theta_1$ ) formed by a line joining a housing outer periphery (recess) with a plaster outer periphery and the angle ( $\theta_2$ ) formed by a line joining the housing outer periphery with the protrusion outer periphery to avoid contact of the plaster outer periphery with the packaging film, as required by the presently claimed subject matter and depicted in Fig. 3 of the present application. **Trigger only describes a package shape with both an inner wall and an outer wall and thereby having the same angles in the housing, as shown in Fig. 1.**

In contrast to Trigger, the presently claimed packaging bag has different angles,  $\theta_1$  and  $\theta_2$ , such that the plaster outer periphery does not contact the packaging film, namely the relationship of  $\theta_2 > \theta_1$  as required in present claim 1, or  $\tan \theta_2 > \tan \theta_1$  as described in the present specification.

As such, Trigger fails to teach each and every element of the present subject matter as required by *Verdegaal Bros. v. Union Oil Co. of California*, *Id.* and MPEP §2131. Accordingly, applicants respectfully submit that nothing in Trigger anticipates the presently claimed subject matter within the meaning of 35 U.S.C. §102(b). Thus, reconsideration and withdrawal of this rejection of present claims 1 and 3 is respectfully requested.

**II. At page 3 of the Official Action, claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Trigger, as applied to claims 1-3 as above, and further in view of Akemi (U.S. 5,505,306).**

As the basis for this rejection, the Official Action states in relevant part:

While Trigger teaches the limitations of claims 1-3 above, he does not teach the films being a laminated film having an aluminum layer therein. Akemi teaches package structure where the packaging is a laminated film comprising a polyester based film and a metallic foil, such as aluminum (see, col. 3, lines 37-42). It would have been obvious to one of ordinary skill in the art, at the time of invention, to provide the packaging taught by Trigger with the material of the packaging consisting of the laminated aluminum taught by Akemi, in order to prevent moisture permeation to damage the plaster contained in the packaging.

Applicants respectfully traverse this rejection. To establish a *prima facie* case of obviousness, the PTO must satisfy three requirements. First, as the U.S. Supreme Court recently held in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007), "a court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. ... it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does... because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *Amgen Inc. v. Chugai Pharm. Co.*, 18 USPQ 1016, 1023 (C.C.P.A 1970). Lastly, the prior art references must teach or suggest all the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496 (C.C.P.A. 1970).

The discussion of the present subject matter as presented above with regard to the anticipation rejection is incorporated herein by reference in its entirety for the sake

of brevity. To summarize, the present subject matter is directed to "A packaging bag for a plaster, the plaster including a plaster body, a support and an adhesive layer laminated on one surface of the support and having a plaster outer periphery, and a release film having a release outer periphery and being detachably attached to the adhesive layer, the packaging bag, comprising: a pair of packaging films comprising a first packaging film having a first perimeter and an opposing second packaging film having a second perimeter, the first packaging film and the second packaging film being sealed together at the first and second perimeters thereby forming an interior housing portion having a housing outer periphery for housing the plaster, the first packaging film or the second packaging film comprising a protrusion having a protrusion outer periphery and protruding into the interior housing portion and configured such that when the plaster is packaged in the packaging bag, the protrusion contacts a portion of the plaster body excluding the plaster outer periphery, the protrusion having a height such that when the release outer periphery extends outward beyond the plaster outer periphery, an outer peripheral portion of the packaging film on which the protrusion is formed is separated away from the plaster outer periphery, *wherein an angle  $\theta_2$  formed by a line joining the housing outer periphery with the protrusion outer periphery is greater than an angle  $\theta_1$  formed by a line joining the housing outer periphery with the plaster outer periphery, so that the plaster outer periphery does not contact the packaging film on which the protrusion is formed.*" (Emphasis added)

In addition, the above discussion of the Trigger reference is incorporated herein

by reference in its entirety for the sake of brevity. To summarize, Trigger does not teach or suggest the specific characteristics of the presently claimed packaging bag, namely the relationship between the two angles,  $\theta_1$  and  $\theta_2$ .

***Akemi does not remedy the deficiencies of Trigger***

Akemi describes a package structure comprising a drug-containing pressure-sensitive adhesive sheet comprising a support, a drug-containing pressure-sensitive adhesive layer, and a separator, in this order, packaged and sealed in a packaging material, wherein unevenness is provided on at least one of the surface of said support on the side in contact with the inside of said packaging material, the surface of said separator on the side in contact with the inside of said packaging material, and the inside surface of said packaging material.

However, nowhere does Akemi teach or suggest specific size/angle relationship to avoid the packaging film contacting the periphery of the sheet, or the protrusion having contact only at a portion of the sheet, as required by the presently claimed subject matter. Accordingly, Akemi does not remedy the deficiencies of Trigger. Neither Trigger nor Akemi, taken alone or in combination, teach all of the elements of the presently pending claims, as required by *In re Wilson*.

As such, applicants respectfully assert that nothing in Trigger and Akemi, taken alone or together, renders the presently claimed subject matter obvious within the meaning of 35 U.S.C. §103. Thus, reconsideration and withdrawal of this rejection of presently pending claim 4 is respectfully requested.

## CONCLUSION

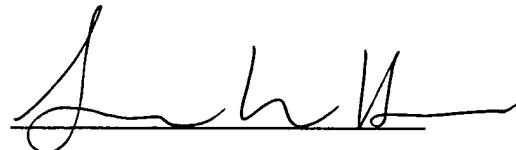
In view of the foregoing, applicants submit that the pending claims are in condition for allowance. Early notice to this effect is earnestly solicited. The Examiner is invited to contact the undersigned attorney if it is believed such contact will expedite the prosecution of the application.

If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned attorney at the below-listed number and address.

In the event this paper is not timely filed, applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

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